

108TH CONGRESS  
1ST SESSION

# S. 1859

To amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, NOVEMBER 12), 2003

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELIGIBILITY FOR RETIRED PAY FOR NON-REG-**  
4 **ULAR SERVICE.**

5 (a) AGE AND SERVICE REQUIREMENTS.—Subsection  
6 (a) of section 12731 of title 10, United States Code, is  
7 amended to read as follows:

8 “(a)(1) Except as provided in subsection (c), a person  
9 is entitled, upon application, to retired pay computed  
10 under section 12739 of this title, if the person—

1           “(A) satisfies one of the combinations of re-  
2           quirements for minimum age and minimum number  
3           of years of service (computed under section 12732 of  
4           this title) that are specified in the table in para-  
5           graph (2);

6           “(B) performed the last six years of qualifying  
7           service while a member of any category named in  
8           section 12732(a)(1) of this title, but not while a  
9           member of a regular component, the Fleet Reserve,  
10          or the Fleet Marine Corps Reserve, except that in  
11          the case of a person who completed 20 years of serv-  
12          ice computed under section 12732 of this title before  
13          October 5, 1994, the number of years of qualifying  
14          service under this subparagraph shall be eight; and

15          “(C) is not entitled, under any other provision  
16          of law, to retired pay from an armed force or re-  
17          tainer pay as a member of the Fleet Reserve or the  
18          Fleet Marine Corps Reserve.

19          “(2) The combinations of minimum age and min-  
20          imum years of service required of a person under subpara-  
21          graph (A) of paragraph (1) for entitlement to retired pay  
22          as provided in such paragraph are as follows:

“Age, in years, is at least:	The minimum years of service required for that age is:
55 .....	25
56 .....	24
57 .....	23
58 .....	22

59 .....	21
60 .....	20.”.

1       (b) 20-YEAR LETTER.—Subsection (d) of such sec-  
2 tion is amended by striking “the years of service required  
3 for eligibility for retired pay under this chapter” in the  
4 first sentence and inserting “20 years of service computed  
5 under section 12732 of this title.”.

6       (c) EFFECTIVE DATE.—This section and the amend-  
7 ments made by this subsection (a) shall take effect on the  
8 first day of the first month beginning on or after the date  
9 of the enactment of this Act and shall apply with respect  
10 to retired pay payable for that month and subsequent  
11 months.

